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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/585,819	06/01/2000	John Gerald Van Heteren	07057-043001	4696

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EXAMINER

EDWARDS JR, TIMOTHY

ART UNIT	PAPER NUMBER
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2635

DATE MAILED: 01/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/585,819

Applicant(s)

HETEREN, JOHN GERALD VAN

Examiner

Timothy Edwards

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 October 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-63 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-63 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All   b) ☐ Some \*   c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-18 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Examiner cannot find support in the specification for the claimed language "a hub to receive transmission as packet from the sensor, the transmission containing both old and new measurement".

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily

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published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-14,52,54,60 are rejected under 35 U.S.C. 102(e) as being anticipated by Pitchford et al [US 6,327,541].

Considering (amended) claim 1, Pitchford disclose an electronic energy management system having, a) plurality of telemetry devices, (see fig 1B, items 14); 1) sensors configured to generate measurements, memory and a transmitter (see col 5, lines 15-21 and col 7, lines 20-27); b) a plurality of collection devices (see col 7, lines 33-37); 1) receiving sensor data containing both old and new measurements (see col 7, lines 56-63); c) a network device to forward meter data (see fig 2A item 23) via internet connection to a data processing center to generate an output function (see col 8, lines 61-67 and fig 2B).

Considering claims 2,3 Pitchford disclose the limitations of these claims in col 8, lines 41-49.

Considering claims 4,5 Pitchford disclose the limitations of these claims in col 6, lines 13-22 and see fig 2B.

Considering claims 6,7, Pitchford disclose the limitations of these claims in col 3, lines 7-13, col 5, lines 15-22 and col 10, lines 32-41.

Considering claims 8-12, Pitchford disclose the limitations of these claims in col 4, lines 20-33.

Considering claims 13,14 Pitchford disclose the limitations of these claims in col 8, lines 11-31.

Considering claim 52, Pitchford disclose, a) generating measurements (see col 5, lines 15-22); b) storing the measurements in memory (see col 5, lines 31-35 and col 6, lines 45-49); c) transmitting the stored measurement to a collection device (see col 8, lines 61-67); d) displaying the measurement on a web page hosted by the collection device (see col 9, lines 29-37); e) processing the measurement at the collection device, under triggered condition, and processing measurement at an internet connection (see col 9, lines 5-15 and col 10, lines 21-41).

Considering claim 54, Pitchford disclose the limitations of these claims in col 10, lines 31-49.

Considering claim 60, Pitchford disclose the limitations of these claims in col 8, lines 12-31.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pitchford et al as applied to claim 1 above, and further in view of Jenny et al [US 5,897,607].

Considering claims 15-17, Pitchford does not specifically recite the forwarding of configuration commands to a telemetry device through the network. In col 10, lines 32-41 Pitchford address the securing of data from the meter when necessary. This would suggest means to communicate with the utility meter. Jenny disclose in col 6, lines 1-9 the forwarding of configuration commands to a telemetry device through the network. One of ordinary skill in the art would recognize the bi-directional sending of data between a meter and a control unit is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art to modify the communication means of the Pitchford system to include a bi-directional communication means as taught by Jenny because Pitchford suggest the means to communicate with his utility meter and, both references are concern with the transmission and viewing of metering data over an internet network.

Claims 18-38,40-50,61-63 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jenney et al [US 5,897,607], and further in view of Schanker et al [US 5,448,230] and Pitchford et al [US 6,327,541].

Considering (amended) claim 18, Jenney discloses, receiving a series of successive measurements, storing the series of successive measurements and transmitting the measurement data through an internet connection to a processing center, (see col 4, lines 34-53, col 5, lines 7-23 col 6, lines 43-48 and col 8, lines 10-14); a) except filtering the data (i.e. deleting redundant data) is not specifically recited by Jenney. However, one of ordinary skill in the art would readily recognize the elimination of redundant utility data would save memory space. In col 3, lines 36-43. Schanker teaches the sorting, recognizing and eliminating of redundant messages. Deleting redundant utility data is well known in the art as taught by Schanker. Therefore, it would have been obvious to one of ordinary skill in the art to eliminate redundant utility data as taught by Schanker to save on memory cost and space; b) Jenny does not specifically recite displaying the utility measurements on a web page. Jenny disclose in col 4, lines 34-39, col 7, lines 51-65 and col 13, lines 5-11 the consumer of the utility can access his or her utility data and this data can be viewed as displayed data and graphs over the internet. Pitchford teaches in col 8, line 61 to col 9, line 2 the displaying of consumer's utility measurements on a web page over the Internet. Therefore, it would have been obvious to one of ordinary skill in the art the displaying of a web page is within the scope of the

Jenny system because Jenny addresses the displaying of data and graphs to a utility customer over the internet as taught by Pitchford.

Considering claim 19,20,23-27,29-38,40 Jenney discloses the limitation of these claims in col 4, lines 54-66, col 11, line 41 to col 12, line 22 and col 14, lines 1-14, see figs 2 and 3.

Considering claims 21 and 22, Jenney does not specifically recited triggering the e-mail at a predetermined time or after receiving a predetermined number of packets of data. However, in col 12, lines 32-48 Jenney addresses polling and data reporting. Jenney also, addresses the modification of the reporting system. Therefore, it would have been obvious to one of ordinary skill in the art to modify the reporting method of the Jenney system because Jenney suggest the operating parameter of the reporting system may be modified.

Considering (amended) claim 28, the limitations of this claim is interpreted and rejected as stated in claim 18; a) except Jenny does not specifically recite an HTTP server to host one web page that displays the collected data. Jenny address in col 7, lines 51-62 and col 8, lines 47-57 the use of server software to allow utility consumers to access utility data. Pitchford teaches in col 9, lines 16-38 the use of a HTTP server to view web pages containing collected utility measurement data. Therefore, it would have been obvious to one of ordinary skill in the art the use of a HTTP server and viewing of

collected utility data is within the scope of the Jenny system as taught by Pitchford because both systems are concern with allowing utility consumer to view their consumed utility data via the internet.

Considering (amended) claim 41, the limitations of this claim is interpreted and rejected as stated in claim 18; a) Jenny disclose a LAN device interface with the sensors (see col 6, line 64 to col 7, line 8); b) display data or one web page is interpreted and rejected as stated in claim 28, part (a).

Considering claims 42-44, Jenny disclose the limitations of these claims in col 4, line 54 to col 5, line 23.

Considering claim 45, the limitation of this claim is interpreted and rejected as stated in claim 28, part (a).

Considering claim 46, Jenny disclose the limitations of these claims in col 5, line 57 to col 6, line 11.

Considering (amended) claims 47,49 the limitations of this claim is interpreted and rejected as stated in claim 18 and 28.

Considering claim 48, Jenney discloses the limitation of this claim in col 4, lines 20-23 and col 9, lines 4-16.

Considering claim 50. Jenny disclose the limitation of this claim in col 4, lines 34-39.

Considering (amended) claim 61, the limitations of this claim is interpreted and rejected as stated in claim 18 and 41.

Considering claims 62,63, Jenney discloses the limitation of this claim in col 4, lines 20-23 and col 9, lines 4-16.

Claims 51,53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pitchford et al [US 6,327,541], and further in view of Schanker et al [US 5,448,230].

Considering (amended) claim 51, the limitations of this claim is interpreted and rejected as stated in claim 1; a) except Pitchford does not specifically recite filtering (deleting redundant data) data. However, one of ordinary skill in the art would readily recognize the elimination of redundant utility data would save memory space. In col 3, lines 36-43. Schanker teaches the sorting, recognizing and eliminating of redundant messages. Deleting redundant utility data is well known in the art as taught by Schanker. Therefore, it would have been obvious to one of ordinary skill in the art to eliminate redundant utility data as taught by Schanker to save on memory cost and space.

Considering claim 53, the limitation of this claim is interpreted and rejected as stated in claim 51, part (a).

Claims 55,56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pitchford et al.

Considering claims 55 and 56, Pitchford addresses the detection of missing energy usage data messages, (see col 7, lines 57-63). One of ordinary skill in the art would be aware of several methods of detecting missing energy usage data messages. Therefore, it would have been obvious to one of ordinary skill in the art to use an alternative method of detecting missing data messages in the Pitchford system because Pitchford discloses a method and the desire to reduce energy usage data loss.

Claims 57-59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pitchford et al and further in view of Johnson [US 5,553,094].

Considering claims 57-59, Pitchford does not specifically recite the using of time to determine measurement data. However, Pitchford addresses the detection of missing energy usage data messages. In col 15, line 58 to col 16, line 5 Johnson teaches the use of a set period of time to determine measurement data lost for one time period. Therefore, it would have been obvious to one of ordinary skill in the art to an alternate method of detecting missing energy usage data as taught by Johnson in the Pitchford

system because Pitchford discloses a method and desire to detect missing energy usage data.

1. Any inquiry concerning this communication should be directed to Examiner Timothy Edwards at telephone number (703) 305-4896. The examiner can normally be reached on Monday-Thursday, 8:30 a.m.-4:00 p.m. The examiner cannot be reached on Fridays.

If attempt to reach the examinee by telephone are unsuccessful, the examiner's supervisor, Michael Horabik, can be reached on (703) 305-4704.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-4700, Mon-Fri., 8:30 a.m.-5:00 p.m.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

or fax to:

(703), 872-9314 (for formal communications intended for entry)

Or:

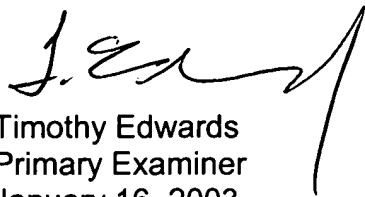
(for informal or draft communications, please label "PROPOSED"  
or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121  
Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

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A handwritten signature in black ink, appearing to read 'T. Edwards', with a long, sweeping horizontal stroke extending to the right.

Timothy Edwards  
Primary Examiner  
January 16, 2003